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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE COMMISSION.

Plaintiff,

V.

ANDREW LEFT, AND CITRON CAPITAL, LLC,

Defendants.

Case No. 2:24-cv-06311-SPG-JC

**NOTICE OF MOTION AND
MOTION TO DISMISS**

Date: November 20, 2024

Time: 1:30 p.m.

Ctrm: 5C

Judge: Hon. Sherilyn Peace Garnett

To this Honorable Court, all parties, and their attorneys of record:

Please take notice that on November 20, 2024, at 1:30 p.m., or as soon after as the matter may be heard, in Courtroom 5C of the above-captioned Court, located at 350 West 1st Street, Los Angeles, CA 90012, Defendants Andrew Left and Citron Capital, LLC, move to dismiss Plaintiff U.S. Securities and Exchange Commission's Complaint filed on July 26, 2024, ECF No. 1, pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6) (the "Motion").

This Motion is based on this Notice of Motion and Motion to Dismiss, the attached Memorandum of Points and Authorities, the accompanying Request for

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1 Judicial Notice and declaration in support, and any other evidence or argument that
2 the Court may consider at the hearing on this motion. Pursuant to the legal bases
3 detailed in the accompanying Request for Judicial Notice, Defendants respectfully
4 request that the Court take judicial notice of the exhibits attached to the declaration
5 in support of the Request for Judicial Notice and incorporated into the Motion. For
6 the reasons in the attached Memorandum of Points and Authorities, Defendants
7 further request that the Court dismiss the Complaint with prejudice for failure to
8 state a claim.

9 This Motion is made following the conference of counsel pursuant to L.R.
10 7-3, which took place on September 20, 2024. Counsel thoroughly discussed the
11 substance and potential resolution of the motion in a conference call attended by
12 three attorneys for Plaintiff and three attorneys for Mr. Left. The conference was
13 not in person for administrative reasons, but counsel respectfully submits that the
14 goals of L.R. 7-3 were achieved.

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16 Dated: October 4, 2024

Respectfully submitted,

SPERTUS, LANDES & JOSEPHS, LLP

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18 By: _____
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20 James W. Spertus

21 Lindsey Hay

22 Mario Hoang Nguyen

23 *Attorneys for Defendants Andrew Left
and Citron Capital, LLC*

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